

Craig J. Mariam (SBN: 225280)  
cmariam@gordonrees.com  
Allison J. Fernandez (SBN: 272853)  
afernandez@gordonrees.com  
GORDON & REES LLP  
633 West Fifth Street, 52nd Floor  
Los Angeles, CA 90071  
Telephone: (213) 576-5000  
Facsimile: (877) 306-0043  
  
Attorneys for Plaintiff  
I.Q. Data International, Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA

HEMIL SHETH

Plaintiff,

vs.

I.Q. DATA INTERNATIONAL, INC.

Defendant.

) CASE NO. 8:16-CV-00655

) Orange County Superior Court  
) Case No. 30-2016-00837982-CL-  
) NP-CJC

) **NOTICE OF REMOVAL**  
) **UNDER 28 U.S.C. § 1441(A)**  
) **(FEDERAL QUESTION)**

) [Filed concurrently with Notice  
) of Interested Parties and Civil  
) Cover Sheet]

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

**PLEASE TAKE NOTICE** that defendant I.Q. Data International, Inc

(hereinafter referred to as “I.Q. Data”) respectfully submits this Notice of Removal in this civil action from the Superior Court of the State of California for the County of Orange to the United States District Court for the Central District of California, pursuant to 28 U.S.C. §§ 1441 and 1446, based on federal question jurisdiction. Specifically, plaintiff Hemil Sheth asserts a claim for damages arising out of alleged violations of the federal Fair Debt Collection Practices Act, 15 U.S.C. §1692 *et seq.*

In support of this Notice of Removal, I.Q. Data, through its counsel, states as follows:

### PROCEDURAL BACKGROUND

1. Plaintiff commenced this action by filing a Complaint in the Superior Court of the State of California for the County of Orange on February 29, 2016, styled *Hemil Sheth v. I.Q. Data International, Inc.*, Case No. 30-2016-00837982-CL-NP-CJC (the “State Court Action”). A true and correct copy of the summons and complaint is attached hereto as **Exhibit “A,”** in accordance with 28 U.S.C. § 1446(a), and is incorporated by reference.

2. The allegations of the Complaint allege violations of the federal Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. 1692 *et seq.* (See Complaint, ¶ 1). Plaintiff further alleges violation of the Rosenthal Fair Debt Collection Practices Act (“RFDCPA”), Cal. Civ. Code § 1788 *et seq.* (*Id.*) The Complaint was served on I.Q. Data on March 10, 2016.

### BASIS FOR REMOVAL – FEDERAL QUESTION JURISDICTION

3. Under 28 U.S.C. § 1441(a), any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

4. Further, 28 U.S.C. § 1441(b) provides that any civil action for which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties.

5. This matter may be removed from the state court because this Court has original jurisdiction over claims arising under the FDCPA, which is a law of the United States. Further, the FDCPA provides “[a]n action to enforce any liability [created by this subchapter or under this title] may be brought in any

appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction.” 15 U.S.C. § 1692k(d).

#### **TIMELINESS OF REMOVAL**

6. As noted above, the Complaint was served on I.Q. Data on March 10, 2016. I.Q. Data’s Notice of Removal is therefore timely because I.Q. Data has filed this Notice “within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446(b)(3).

#### **VENUE**

7. Venue is proper in this district and division because the State Court Action was filed and is pending in the Superior Court of the State of California for the County of Orange, which is located within the federal United States District Court for the Central District of California.

#### **COMPLIANCE WITH REMOVAL PROCEDURES**

8. I.Q. Data has complied with all of the procedural requirements for removal set forth in 28 U.S.C. § 1446. As noted above, the notice of removal is filed within 30 days of the service of the pleading from which it may first be ascertained that the case is one which is or has become removable.

9. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, is being served on plaintiff’s counsel.

10. Pursuant to § 1446(d), a copy of this Notice of Removal, including exhibits, will be filed with the Superior Court of the State of California for the County of Orange, Case No. 30-2016-00837982-CL-NP-CJC.

11. Copies of all process, pleadings and orders served on the defendant are attached hereto.


12. All named defendants are joined in this removal.

1 WHEREFORE, for the foregoing reasons, I.Q. Data removes this action  
2 from the Superior Court of the State of California for the County of Orange to the  
3 United States District Court for the Central District of California and respectfully  
4 requests that the Court exercise jurisdiction over this action.

5 Respectfully submitted,

6 Dated: April 8, 2016

GORDON & REES LLP

7  
8 By:   
9 Craig J. Mariam  
10 Allison J. Fernandez  
11 Attorneys for defendant  
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Los Angeles, CA 90071